



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, APRIL 18, 2023 AT 6:30 P.M.
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

MINUTES

1. **ROLL CALL-** Mayor Ted Neitzke IV convened the Common Council meeting at 6:30 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney, and John Sigwart (attended by phone). Also present were City Administrator Anthony Brown, City Clerk Susan Westerbeke, City Planner Robert Harris, Director of Public Works Rob Vanden Noven, City Attorney Eric Eberhardt and ACA/HR Director Emily Blakeslee.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG-** The Pledge of Allegiance was recited.
3. **OATH OF OFFICE FOR ALDERPERSONS OF THE 1st, 3rd, 5th, 7th ALDERMANIC DISTRICTS** – The City Clerk administered the Oath of Office to Alderpersons Deborah Postl- District 1, Michael Gasper- District 3, Jonathan Pleitner- District 5, John Sigwart- District 7 for their 2023-2025 term.

4. **CONSENT AGENDA**

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed and considered at this point on the agenda.

- A. **Approve Minutes of Previous Meeting**
- B. **Approve March Financials**
- C. **Approve Elected Officials Handbook**

MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.

5. **MAYOR'S BUSINESS**

A. **Appointment to Boards, Committees and Commissions-** MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPOINT PETER VANDER VELDEN TO THE ZONING BOARD OF APPEALS AS PRESENTED. Motion carried unanimously.

B. **Mayor's Updates-** There were no updates given.

6. **OFFICERS/STAFF REPORT**

- A. **Election of Council President-** MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. NEUMYER TO NOMINATE DAN BENNING AS COUNCIL PRESIDENT. There being no further nominations, nominations were closed. VOTE TAKEN: AYE: 7. Motion carried unanimously.
- B. **Approve Official City Newspaper (Ozaukee Press)-** MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE OFFICIAL CITY NEWSPAPER THE OZAUKEE PRESS AS PRESENTED. Motion carried unanimously.
- C. **Designate Official City Depositories (Port Washington State Bank, BMO Harris Bank, Ehlers Investment Management, Local Government Investment Pool)-** MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO DESIGNATE THE OFFICIAL CITY DEPOSITORIES THE PORT WASHINGTON STATE BANK, BMO HARRIS BANK, EHLERS INVESTMENT MANAGEMENT AND LOCAL GOVERNMENT INVESTMENT POOL AS PRESENTED. Motion carried unanimously.

D. Department Monthly Reports- The monthly reports were distributed in the meeting packets.

7. PUBLIC COMMENTS/APPEARANCES

Your comments are welcome. Please limit comments to three (3) minutes. If you need more time, contact the City Administrator, and ask that your topic be placed on a Common Council Agenda.- None.

8. FROM STANDING COUNCIL COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Consideration and Possible Action on Bids for the 2023 City Hall Roof Replacement

Project- The City Public Works Director reported the existing roof has multiple leaks into the lobby of City Hall. This creates a safety hazard and when it is not raining an aesthetic concern. The project generally consists of removing the existing roofing materials and replacing them with a membrane and replacement of soft or deteriorating deck boards. Because of the increasing cost of energy, an acrylic reflective roof suitable for solar panel installation was bid as an alternate. Five contractors attended the mandatory pre-bid meeting, and all submitted bids. The bids range from a low of \$320,457 to a high of \$452,000. The Engineer's estimate for the work was \$225,000. There is a potential savings of approximately \$14,000 for not placing new roof material on the front addition portion of City Hall. This portion of the roof has 5 – 8 years of useful life according to our roofing consultant. The alternative bid for a reflective roof ranged from an additional \$30,000 to \$52,000 with the low bidder on the base, FJA Christiansen Roofing Company, bidding \$31,509. A preliminary solar panel layout and provided to us from a solar panel installer indicates a potential to generate 51,000 kWh of electricity. The solar panel experts state that a reflective roof improves energy generation by 10-15%. A standard roof is expected to generate 51,000 x .85 = 43,000 kWh. Assuming the 8,000 kWh less electricity is paid to us at wholesale price of \$0.05/kWh that is a loss of \$400 annually or 75-year payback. Assuming that we get credit for all of the energy generated and therefore get retail rates of approximately \$0.15/kWh it is a loss of \$1200 annually or a 25-year payback. Our roofing consultant recommends award to the low bidder and rejecting the alternate bid for a reflective roof. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO AWARD THE CITY HALL ROOF REPLACEMENT PROJECT TO FJA CHRISTIANSEN ROOFING COMPANY FOR \$320,457 AND TO REJECT THE ALTERNATIVE BID. Motion carried unanimously.

2. Consideration and Possible Action on Change Order Number 2 for the Marina Underground Storage Tanks (UST) Replacement Project-

The City Public Works Director reported after Interstate Pump and Tank (Contractor) submitted plans to Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), DATCP informed them that a floating dock needs a sump, leak detection system, and break-away valve on the land side and attached to the dock. This is a recent third-party standard that DATCP adopted. Our plans included a sump and break-away valve with leak detection on the land side. This change order is an extra \$27,600. Submitting this change to DATCP is also requiring extra review time and delaying construction. We are continuing to negotiate with our Contractor regarding the scope and price of this change order. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE CHANGE ORDER NUMBER 2 FOR \$27,600 AS PRESENTED. Motion carried unanimously

B. TRAFFIC SAFETY COMMITTEE

1. Ordinance 2023-9: An Ordinance Providing for the Installation of Stop Signs- 1st Reading-

Public Works Director Vanden Noven reported that Misty Ridge Lane is extended through Highland Pointe Subdivision to the intersection with Sauk Road (tee intersection). Currently this is an uncontrolled intersection at a location where no intersection existed previously. Traffic generally travels past this location at a high speed. Highland Pointe Way is a new road within the subdivision which crosses Misty Ridge Lane which is also a new road at this location. Misty Ridge Lane connects STH 32 with East Sauk Road and will carry more traffic than Highland Pointe Way. This ordinance will be on the next agenda for a second reading.

9. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Public Hearing to Amend Section 20.34.300 of the City of Port Washington Zoning Code Regarding Allowable Uses and Building Materials in the OAG Arterial Gateway Overlay

District- Mayor Neitzke opened the public hearing for comment. There being no comment for or against the public hearing was closed.

2. Ordinance 2023-8: Relating to Regulations Within the OAG Arterial Gateway Zoning Overlay District- 2nd Reading-

The City Planner reviewed the intent of the Overlay District is to provide for a higher standard of design and development at main entrances to Port Washington, i.e., Highways 32 and 33, N. Wisconsin Street, and S. Wisconsin / Lakeshore Road.

The reason for the text amendment is because staff and the Commission are of the opinion the uses proposed to be removed do not meet the spirit and intent of the Overlay District or Strategic Direction 4 of the City's strategic plan. The Overlay District was last amended via Ordinance 2014-20. This ordinance added to the list of allowable uses where such uses were previously prohibited such as lumber yards and indoor storage. The proposed change regarding used cars is to reflect a recent ordinance (Ord. 2021-7) in which dedicated used car sales lots are prohibited in the Business zoning districts. The Subject ordinance eliminates the requirement for the calling of a "special Plan Commission meeting" to consider the merits of a proposal not on the list of permitted uses.

A regular meeting of the Commission will be sufficient. The ordinance will update the exterior building material language to include certain cladding types which may not have been contemplated or widely used when the ordinance was drafted or last amended, i.e. architectural pre-cast concrete and panelized wall systems. Discussion was held on the areas in the city where business may be located. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2023-8 AS PRESENTED. Motion carried unanimously.

B. BOARD OF PUBLIC WORKS

1. Consideration and Possible Action on Easements for WE Energies at the Water Filtration Plant-

Public Works Director Vanden Noven reported the new addition to the Water Filtration Plant will cover the current location of the secondary feed transformer. WE Energies is proposing moving it east of the bike path on the plant property; thereby requiring an easement. On the north side, WE Energies is upgrading the power. The old power used to be 3-wire. Everything that they do now is 4-wire. This 4-wire supply comes from a line that runs through the park near the band shell. It is proposed to run alongside the ROW in the park; therefore they need an easement through a portion of Veteran's Park. The City Attorney informed Council that the updated survey drawings have been provided by We Energies. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE ELECTRICAL EASEMENTS TO WE ENERGIES AS PRESENTED. Motion carried unanimously.

2. Review Municipal Separated Storm Sewer (MS4) Permit Annual Report- The Public Works Director reviewed the report. Each of the 245 municipalities in the State of Wisconsin which are required to be permitted under the MS4 program shall review its an annual report on its activities with the governing body. The MS4 permits require municipalities to reduce polluted storm water runoff by implementing storm water management programs with best management practices. Municipal storm water management programs cover a wide array of activities that occur within a municipality, including Public Education & Outreach, Public Involvement & Participation, Illicit Discharge Detection & Elimination, Construction Site Pollutant Control, Post-Construction Storm Water Management, Pollution Prevention Practices for the Municipality, Developed Urbanized Area Standard and Storm Sewer System Maps. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. TEARNEY TO ACCEPT THE MS4 PERMIT ANNUAL REPORT AS PRESENTED. Motion carried unanimously.

10. UNFINISHED BUSINESS- None.

11. NEW BUSINESS

A. Consideration and Possible Action on an Easement Agreement between the City of Port Washington and Harbour Lights Condominium Association, Inc.- City Attorney

Eberhardt reviewed the agreement. The Easement would grant Harbour Lights a non-exclusive right to use City land included within an approximately 10' x 20' parcel (208 square feet) of land for the purpose of installing, maintaining, repairing, and replacing an underground storm water lateral serving the Harbour Lights Condominium. That sewer lateral is located beneath and/or adjacent to a portion of the public alley separating the Port Exploreum property to the north and Schooner Pub to the south. Any approval of the Easement Agreement should be expressly conditioned on the simultaneous execution and delivery of a Quit Claim Deed from Renew Port Holdings I, LLC ("RPH I") to the City. That Deed will convey RPH I's interest (if any) in the East 10 feet of the South 20 feet of Lot 5, Block 26 in the Original Plat of the City of Port Washington. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE THE EASEMENT AGREEMENT AS PRESENTED WITH THE CONDITION THE QUIT CLAIM DEED IS EXECUTED AND DELIVERED BY RENEW PORT HOLDINGS I, LLC TO THE CITY. Motion carried unanimously.

B. Ordinance 2023-10: Amending Ordinances Relating to Compulsory Connections to and Use of Public Sewer and Water Mains and Systems- 1st Reading- The City Administrator

reported the City is updating its Municipal Code, particularly in preparation for a complete overhaul of the zoning code. Staff are proposing changes to the ordinances that pertain to how buildings constructed for human habitation are connected to public sewers and water mains and systems. The proposed changes are intended to align with §281.45 of the Wisconsin Statutes. This ordinance will appear on the next agenda for a second reading.

12. PUBLIC COMMENTS/APPEARANCES- None.

13. ADJOURNMENT- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 7:18 P.M. Motion carried unanimously.

Respectfully submitted
Susan L. Westerbeke, City Clerk